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PATENT APPLICATION

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q85741

Joon Youb LEE, et al.

Appln. No.: 10/521,313

Group Art Unit: 1646

Confirmation No.: 9295

Examiner: Unknown

Filed: January 14, 2005

For: HER-2/ NEU DNA VACCINE HAVING ANTI-CANCER ACTIVITY

INFORMATION DISCLOSURE STATEMENT **UNDER 37 C.F.R. §§ 1.97 and 1.98**

MAIL STOP AMENDMENT

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure under 37 C.F.R. § 1.56, Applicant hereby notifies the U.S. Patent and Trademark Office of the documents which are listed on the attached PTO/SB/08 A & B (modified) form and/or listed herein and which the Examiner may deem material to patentability of the claims of the above-identified application.

1. W. Wei et al., "Protection against mammary tumor growth by vaccination with full-length, Modified human *ErbB*-2 DNA", In Journal of Cancer, Vol. 81, 1999, pp. 748-754.
2. L. Urbanelli et al., "Targeted Gene Transduction of Mammalian Cells Expressing the HER2/neu Receptor by Filamentous Phage", In Journal of Molecular Biology, Vol. 313, No. 5, 2001, pp. 965-976.

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3. L. Coussens et al., "Tyrosine Kinase Receptor with Extensive Homology to EGF Receptor Shares Chromosomal Location with *neu* Oncogene", In Science, Vol. 230, No. 4730, 1985, pp. 1132-1139.
4. T. Yamamoto et al., "Similarity of protein encoded by the human c-erb-B-2 gene to epidermal growth factor receptor", In Nature, Vol. 319, No. 6050, 1986, pp. 230-234.
5. Y. Chen et al., "DNA Vaccines Encoding Full-Length or Truncated Neu Induce Protective Immunity against Neu-expressing Mammary Tumors", In Cancer Research, Vol. 58, 1998, pp. 1965-1971.
6. S. Pilon et al., "Vaccination with cytoplasmic ErbB-2 DNA protects mice from mammary tumor growth without anti-ErbB2-2 antibody", In Journal of Immunology, Vol. 167, 2001, pp. 3201-3206.

One copy of each of the listed documents is submitted herewith.

The present Information Disclosure Statement is being filed: (1) No later than three months from the application's filing date; (2) Before the mailing date of the first Office Action on the merits (whichever is later); or (3) Before the mailing date of the first Office Action after filing a request for continued examination (RCE) under §1.114, and therefore, no Statement under 37 C.F.R. § 1.97(e) or fee under 37 C.F.R. § 1.17(p) is required.

The submission of the listed documents is not intended as an admission that any such document constitutes prior art against the claims of the present application. Applicant does not waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application.

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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23373

CUSTOMER NUMBER

Date: December 18, 2006



Substitute for Form 1449 A & B/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT***(use as many sheets as necessary)**Complete if Known*

Application Number	10/521,313
Confirmation Number	9295
Filing Date	January 14, 2005
First Named Inventor	Joon Youb LEE
Art Unit	1646
Examiner Name	Unknown
Attorney Docket Number	Q85741

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U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
		Number	Kind Code ² (if known)		
		US			
		US			
		US			
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		US			
		US			

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document			Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Translation ⁶
		Country Code ³	Number ⁴	Kind Code ⁵ (if known)			

NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city, and/or country where published.	Translation ⁶
		W. Wei et al., "Protection against mammary tumor growth by vaccination with full-length, Modified human <i>ErbB</i> -2 DNA", In Journal of Cancer, Vol. 81, 1999, pp. 748-754.	
		L. Urbanelli et al., "Targeted Gene Transduction of Mammalian Cells Expressing the HER2/neu Receptor by Filamentous Phage", In Journal of Molecular Biology, Vol. 313, No. 5, 2001, pp. 965-976.	
		L. Coussens et al., "Tyrosine Kinase Receptor with Extensive Homology to EGF Receptor Shares Chromosomal Location with <i>neu</i> Oncogene", In Science, Vol. 230, No. 4730, 1985, pp. 1132-1139.	
		T. Yamamoto et al., "Similarity of protein encoded by the human c-erb-B-2 gene to epidermal growth factor receptor", In Nature, Vol. 319, No. 6050, 1986, pp. 230-234.	
		Y. Chen et al., "DNA Vaccines Encoding Full-Length or Truncated Neu Induce Protective Immunity against Neu-expressing Mammary Tumors", In Cancer Research, Vol. 58, 1998, pp. 1965-1971.	
		S. Pilon et al., "Vaccination with cytoplasmic ErbB-2 DNA protects mice from mammary tumor growth without anti-ErbB2-2 antibody", In Journal of Immunology, Vol. 167, 2001, pp. 3201-3206.	

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² See Kind Codes of USPTO Patent Documents at www.uspto.gov, MPEP 901.04 or follow the hyperlink from the title of the document to the intranet. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST. 3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to indicate here if English language Translation is attached.